

OFFICE OF EXECUTIVE POLICY AND PROGRAMS ANNUAL/SICK LEAVE POLICY AND PROCEDURE

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I. Policy

A leave record shall be maintained by the Office of Executive Policy and Program's (OEPP) Payroll Office for each employee covered under the provisions of the leave regulations. Such records shall be subject to audit by the Office of Human Resources. All requests for leave should be approved 24 hours in advance except in the case of emergencies that may occur due to illness or extenuating circumstances. Supervisors should be notified as soon as possible in such cases. Supervisors shall notify OEPP Human Resources immediately of unauthorized absences in excess of 3 days and any absences involving leave without pay. Absences that exceed 3 days may be covered under the Family Medical Leave Act (FMLA) and should be reported to OEPP Human Resources.

II. Record Keeping

For record keeping purposes, leave is credited to the HRIS Leave System/E-leave system after one-half of the working days of the month have passed. It is the responsibility of the supervisor to ensure the accuracy of attendance and leave records. Falsification of any attendance or leave record shall be cause for disciplinary action up to and including termination.

III. Annual Leave

A. Eligibility

Annual leave shall be accrued by (a) full time employees occupying FTE positions; (b) part time employees occupying FTE positions who are scheduled to work at least one-half the workweek of the agency on a 12- month basis. Employees shall not earn leave for any month

in which they are not in pay status for one-half or more of the workdays of the month.

B. Rate of Earnings

Full time employees earn one and one quarter (1 1/4) days of annual leave per month based on the average number of hours in the employee's workday. In addition, employees with more than ten years of service shall earn an additional one and one quarter (1 1/4) days per year for each year of continuous State service in excess of ten years. The number of annual leave hours that may be earned in any one calendar year shall not exceed 30 days. Leave earnings are prorated for part time employees. All service as a certified employee in a permanent position of a school district of this State must be used to calculate the leave accrual date

Chart 1 - Earning Rate – Five days, 37.5 hours per workweek schedule:

Years of Service	Days Per Year	Hours Per Month
1-10	15	9.375
11	16.25	10.156
12	17.50	10.937
13	18.75	11.718
14	20.00	12.50
15	21.25	13.281
16	22.50	14.062
17	23.75	14.843
18	25.00	15.625
19	26.25	16.406
20	27.50	17.187
21	28.75	17.968
22 & over	30	18.750

Chart 2 – Five days, 40 hours per workweek schedule:

Years of Service	Days Per Year	Hours Per Month
1-10	15	10
11	16.25	10.833
12	17.50	11.666
13	18.75	12.500
14	20.00	13.333
15	21.25	14.166
16	22.50	15

17	23.75	15.833
18	25.00	16.666
19	26.25	17.50
20	27.50	18.333
21	28.75	19.166
22 & over	30	20.00

C. Maximum Accrual and Carryover

Full time employees shall be permitted to carry over from one calendar year to the next any unused annual leave up to a total of 45 days. Maximum accumulations are prorated for part-time employees. Any eligible employee that carries over the maximum accumulation into a calendar year shall also be entitled to earn and use annual leave up to maximum 30 days during that calendar year. The maximum accumulation of 45 days may be carried over into the next calendar year.

Employees who change from a schedule of 37.5 or 40 hours a week to fewer hours per week retain the current maximum carryover. If this maximum drops below current carryover, the lesser amount becomes the new maximum carryover.

D. Maximum Use Allowed Per Year

The maximum number of earned or accumulated working days of annual leave that may be used in any one calendar year shall not exceed 30 work days. For the part-time employees, the maximum accumulation will be the prorated portion of the 30 work days maximum offered to full time employees on an average 5 day workweek schedule.

Exception: The thirty working day maximum of annual leave that may be used in one year may be exceeded for emergency or serious health conditions of the employee or the employee's immediate family as well as FMLA qualified reasons. An employee who has used all available sick leave and thirty (30) days of annual leave may, with the approval of the Office/Division Director, use any remaining annual leave credits he/she may have.

E. Requests for Use of Annual Leave

Requests for annual leave must be submitted in advance through the E-leave system.

To the degree possible, an employee's request for a specific period of leave will be honored. However, considerations of workloads, work distributions, and similar factors may necessitate denial of annual leave for specific periods. An employee must not take leave prior to approval of the request.

Leave requests should be in quarter hour increments.

For an employee participating in the Alternative Work Schedule, the number of hours

requested for annual leave must be in accordance with the policy.

F. Holiday During Leave

A holiday observed by the Agency while an employee is on a period of annual leave shall not be charged as a day of annual leave. However, an employee participating in an Alternative Work Schedule may be required to use some annual leave hours to observe a holiday and the number of hours requested for annual leave must be in accordance with the policy.

Part-time employees will be treated the same as full-time employees in applying holiday guidelines.

G. Credited State Service

Cumulative State Service

An employee rehired following a break in service is given credit for prior state service for the purposes of computing leave earnings. No credit shall be given for the period between termination and reemployment. Any employee in an FTE position must be given full State service credit for prior service as a certified employee of a school district of this State for the purposes of computing annual leave earnings. It is the responsibility of the employee to inform the Agency of any prior creditable State service.

Crediting Leave for Service Over Ten Years

The increased leave earnings based upon service of over ten years is granted to employees on a calendar month basis beginning the month after their leave accrual date.

Accrual Date (Anniversary Date)

The date used to calculate an employee's rate of annual leave earnings for State service in a full-time position, including part-time service, is adjusted to reflect periods of leave without pay over 30 consecutive work days and periods when there was a break in service. An exemption would apply to employees who participate in the Voluntary Furlough Program.

H. Transfer from one State Agency to Another

An employee who transfers without a break in service from one State agency to another shall transfer all accumulated annual leave.

Exceptions:

When an employee transfers to a teaching position of academic rank at a State supported institution of higher learning, the employee is paid for accrued annual leave.

In the case of an employee transferring from an agency which has a permissible maximum carry over in excess of that currently authorized by the gaining agency, the excess shall be transferred to the receiving agency. The employee shall retain the higher maximum carryover at the receiving agency. If the employee reduces the amount of leave carried over to 45 workdays or less, 45 days shall be the maximum amount of unused leave the employee may carryover thereafter.

When an employee transfers to an agency or position that has a different rate of annual leave accumulation; days of annual leave from the losing agency are converted to days of annual leave at the gaining agency.

I. Annual Leave Payment Upon Leaving Employment

Upon separation from State employment, a lump sum payment will be made for unused annual leave, not to exceed 45 days, without regard to the amount of leave taken during the calendar year.

Upon the death of an employee while in active service, the legal representative shall be entitled to the lump sum payment for unused annual leave, not to exceed 45 days.

IV. Sick Leave

A. Eligibility

Sick leave shall be accrued by (a) full time employees occupying FTE positions; (b) part time employees occupying FTE positions who are scheduled to work at least one-half the workweek of the agency on a 12- month basis. Employees shall not earn any leave for any month in which they are not in pay status for one- half or more of the workdays of the month.

B. Rate of Earnings

All employees in FTE positions shall earn one and one-fourth days per month based on the average number of hours in the employee's workday. Leave earnings are prorated for part-time employees who are eligible to earn leave.

C. Maximum Accumulation

Full time employees shall be permitted to carry over from one calendar year to the next any unused sick leave up to a total of 180 days. The maximum accumulations for eligible part time employees are prorated. Employees who change from a schedule of 37.5 or 40 hours a week to fewer hours per week retain the current maximum carryover. If this maximum drops below current carryover, the lesser amount becomes the new maximum carryover.

D. Sick Leave Advancements

In extenuating circumstances, OEPP Human Resources may advance up to fifteen days of additional sick leave upon concurrence from the Office/Division. OEPP Human Resources may advance this advance this leave only upon written verification from a healthcare practitioner that the employee is expected to return to work within that period of time. Upon return to work, the employee will have all earned sick leave applied to the leave deficit at the

rate of one and one-quarter days per month (or if parttime, the monthly earning rate) until the deficit has been eliminated.

E. Notification and Use of Sick Leave

Notification and Approval

Except in cases of extenuating circumstances, an employee must notify his/her supervisor as soon as possible after the beginning of the workday if the employee is unable to report to work due to illness. Failure to do so could result in the employee being considered to be in unauthorized leave status and subject to disciplinary action. The supervisor has the discretion to request a physician's statement to document leave for absences requested as sick leave. In addition, absences which exceed three consecutive work days (with or without pay) may require a physician's statement prior to returning to work.

Use of Sick Leave

An employee shall be granted sick leave if absent for any of the following reasons:

1. Personal illness or injury that incapacitates the employee.
2. Exposure to a contagious disease when certified by a physician.
3. Appointments for medical or dental examination when such appointments cannot reasonably be scheduled during non-working hours.
4. Sickness during pregnancy or other temporary disabilities. To the extent permissible the date on which sick leave for disability is to begin shall be at the request of the employee based on the determination and advice of a doctor.
5. Treatment of alcoholism and drug addiction. Sick leave may be charged by an employee for the purpose of participating in public and/or private treatment and rehabilitation programs for alcohol and/or drug abuse.
6. Employees earning sick leave may use up to 10 days (prorated for parttime employees) of sick leave in a calendar year to care for ill members of their immediate family. For purposes of this paragraph "immediate family" is defined as the employee's spouse and children and the following relations to the employee or spouse of the employee: mother, father, brother, sister, grandparent, legal guardian and grandchildren.
7. An adoptive parent may use up to six weeks of their accrued sick leave to take time off for purposes of caring for the child after placement. The leave authorized by this section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.

F. Transfer of Leave To/From Another State Agency

Employees who transfer without a break in service from one State agency to another shall transfer their accumulated leave up to the total amount accrued adjusted to the scheduled workweek of the gaining agency. In the case of any employee transferring from an agency under whose system the employee has, prior to January 1, 1969, a maximum accumulation in excess of that currently authorized by the gaining agency, the total shall be transferred. An employee of a State agency transferring to a school district of this State or a school district employee transferring to a State agency is permitted to transfer and retain at the new employer all sick leave accumulated at the former employer regardless of the employment status at the new employer. Sick leave not to exceed sixty days lost by a school district employee as a result of changing employment from the school district to a State agency or by a State employee as a result of changing employment from a State agency to a school district is restored if the employee was employed by the school district or the State agency after June 28, 1984, and is employed on June 30, 1991.

G. Holiday During Leave

A holiday observed by the agency while an employee is on a period of sick leave shall not be charged as a day of sick.

H. Sick Leave Upon Separation of Employment

At retirement, an employee shall receive retirement service credit for not more than 90 days of unused sick leave at no cost to the employee. The leave must be credited at a rate where twenty days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement.

Upon leaving employment with the State (other than retirement), employee shall forfeit all accumulated sick leave credits.

I. Declaration of Family and Medical Leave

Leave taken under the Sick Leave Guidelines may be declared as Family and Medical Leave (FMLA) and, if so, will run concurrently.

V. Extended Disability

A. For any period of certified disability due to illness, injury or maternity, exceeding the amount of accrued sick leave, the employee may request leave to include leave without pay not to exceed (1) 180 workdays of leave with pay, or (2) 180 calendar days of combined leave with and leave without pay. The Office of Executive Policy and Programs shall require, prior to approval of an extended disability, certification by a health care practitioner to include the projected inclusive dates of disability. Dates set forth in the health practitioner's certificate may be amended. OEPP may require additional documentation from the health care provider or may secure additional medical opinions from other health care practitioners.

B. The request shall not be denied for a bona fide illness or disability if the employee is in an FTE position.

C. Should the employee return within the approved 180-day period, OEPP shall reinstate the employee to the same position or one of a comparable pay band for which the employee is qualified.

D. If the employee is unable to return to work within the 180-day period, the agency must separate the employee.

E. In extenuating circumstances two extensions may be available:

1. The Agency Head may extend the 180-day period of leave to a total of 365 days provided the health care practitioner certifies the employee's return within this period of time period; and

2. The Agency Head may request from the State Office of Human Resources an extension of the disability leave beyond the 365 days without a break in service provided the health care practitioner certifies the employee's return to work within the time frame of the requested extension.

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